

601424295.

USDC SDNY
DOCUMENT
BE - ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/25/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEDDY FARMER,

07 CV 2982 (NRB)

Plaintiff,

- against -

STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL

THE CITY OF NEW YORK, POLICE
OFFICER CARLOS COLON, POLICE
SERGEANT ROBERTO DOMINICCI,
POLICE OFFICER DOUGLAS GRAHAM,
POLICE OFFICER VLAD KOGAN,
POLICE OFFICER DERRICK MCINTOSH,

Defendants.

X

WHEREAS, plaintiff commenced this action by filing a complaint on or about April 13, 2007, alleging that his civil rights were violated; and

WHEREAS, defendants, City of New York, Carlos Colon, Roberto Dominicci, Douglas Graham, Vlad Kogan, and Derrick McIntosh, have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the plaintiff and the City of New York now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, against the City of New York, Carlos Colon, Roberto Dominicci, Douglas Graham, Vlad

Kogan, and Derrick McIntosh, without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the total sum of Twenty-Four Thousand Dollars (\$24,000), in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the City of New York, Carlos Colon, Roberto Dominici, Douglas Graham, Vlad Kogan, and Derrick McIntosh, and to release all defendants, any present or former employees or agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and/or settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department. This Stipulation and Order contains all the terms and conditions agreed upon by the parties

hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
February 13, 2008

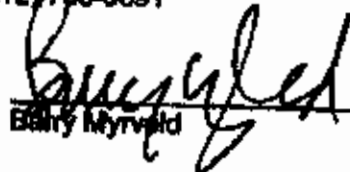
Cardinale & Marinelli
Attorneys for Plaintiff
26 Court Street, Suite 1815
Brooklyn, New York 11242
(718) 624-9391

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
CITY OF NEW YORK, CARLOS COLON,
ROBERTO DOMINICCI, DOUGLAS
GRAHAM, VLAD KOGAN, and DERRICK
MCINTOSH
100 Church Street, Rm. 3-162
New York, NY 10007
bmynvold@law.nyc.gov
(212) 788-9391

By:


Richard Cardinale

By:


Barry Myrvold

SO ORDERED


Naomi Reice Buchwald, U.S.D.J.

2/21/08 *mb*